



IFL 1642
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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

ATTY.'S DOCKET: WALLACH=16A

In re Application of:) Conf. No.: 2547
David WALLACH et al) Art Unit: 1642
Appln. No.: 09/824,134) Examiner: M. Davis
Filed: April 3, 2001) Washington, D.C.
For: MODULATORS OF THE FUNCTION OF) June 4, 2004
FAS/AP01)
)

**NOTICE OF APPEAL FROM THE PRIMARY EXAMINER
TO THE BOARD OF PATENT APPEALS AND INTERFERENCES**

Honorable Commissioner for Patents
U.S. Patent and Trademark Office
2011 South Clark Place
Customer Window, Mail Stop AF
Crystal Plaza Two, Lobby, Room 1B03
Arlington, VA 22202

Sir:

Applicant hereby appeals to the Board of Patent Appeals and Interferences from the final rejection (or the rejection of claims for at least the second time), dated March 4, 2004, of the Primary Examiner. The claims appealed are claims 1-7, 11 and 14.

The item(s) checked below are appropriate:

Small Entity Status: Applicant(s) claim small entity status. See 37 CFR 1.27.

The fee has been calculated as shown below:

\$330.00

\$165.00 (small entity)

Not required (fee paid in prior appeal)

Applicant hereby petitions for an extension of time in accordance with 37 CFR 1.136(a). The appropriate fee required by 37 CFR 1.17 is calculated as shown below:

Small Entity
Response Filed Within

[] First - \$ 55.00
[] Second - \$210.00
[] Third - \$475.00
[] Fourth - \$740.00
month after time period set

Other Than Small Entity
Response Filed Within

[] First - \$ 110.00
[] Second - \$420.00
[] Third - \$ 950.00
[] Fourth - \$1480.00
month after time period set

Less fees (\$ _____) already paid for _____ months extension of time on _____.
 A check in the amount of \$ _____ is attached. (Check No. _____)

Credit Card Payment Form, PTO-2038, is attached, authorizing the amount of \$ 330.00

Please charge any deficit in the fee paid herewith to my Deposit Account No. 02-4035.

06/07/2004 EAREGAY1 00000012 09824134

01 FC:1401

330.00 OP

Respectfully submitted,
BROWDY AND NEIMARK, P.L.L.C.
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By:

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